

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTEROCEAN COAL SALES, LDC,

Plaintiff,

- against-

EVONIK TRADING GmbH, et al.,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/17/2011

11 Civ. 0940 (NRB)

STIPULATION

WHEREAS on February 14, 2011, Plaintiff Interocean Coal Sales, LDC ("Plaintiff") filed its Complaint in this matter.

WHEREAS on March 29, 2011, Defendant Evonik Industries AG ("Evonik Industries"), filed a Motion to Dismiss the Complaint.

WHEREAS on March 30, 2011, Defendant Evonik Degussa Corporation ("Evonik Degussa") filed a Motion to Dismiss the Complaint.

WHEREAS Evonik Degussa and Evonik Industries entered into a stipulation with Plaintiff on April 11, 2011 consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from April 11, 2011 to May 2, 2011 and again entered into a stipulation with Plaintiff on April 26, 2011 consenting to Plaintiff's request to extend its time to respond to their Motions to Dismiss from May 2, 2011 to May 16, 2011.

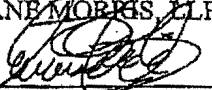
NOW THEREFORE, Plaintiff, Evonik Degussa and Evonik Industries, through their undersigned counsel, hereby stipulate and agree as follows:

1. Evonik Industries and Evonik Degussa have consented to Plaintiff's request to extend its time to respond to their Motions to Dismiss by fourteen (14) days, up to and including Tuesday, May 31, 2011.
2. In turn, Plaintiff has consented to Evonik Degussa and Evonik Industries' request

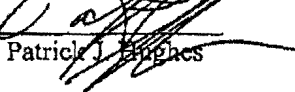
to extend their time to reply to Plaintiff's answering papers by seven (7) days, up to and including Tuesday, June 14, 2011.

Dated: May 13, 2011
New York, New York

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So Ordered:


U.S.D.J. 5/17/11